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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SER LAO, as an individual and on behalf
of all others similarly situated,

Plaintiffs,

vs.

H & M HENNES & MAURITZ, L.P., a
New York limited partnership; and DOES
1 through 50, inclusive,

Defendants.

Case No. 5:16-cv-333 EJD

**DECLARATION OF NICHOLAS
ROSENTHAL IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: April 30, 2020

Time: 9:00 a.m.

Courtroom: 4, 5th Floor

Judge: Hon. Edward J. Davila

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DECLARATION OF NICHOLAS ROSENTHAL

I, Nicholas Rosenthal, declare as follows:

1. I am an attorney at law, duly licensed to practice before all Courts in the State of California, and am with the law firm Diversity Law Group, P.C., counsel of record for Plaintiff Ser Lao ("Plaintiff"). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I am one of the primary attorneys on this matter. My qualifications are as follows: I received my JD from University of Southern California Gould School of Law in 2009. Upon graduation, I practiced law as an associate at Seyfarth Shaw LLP, representing corporate clients in both single-plaintiff and wage hour class actions. In 2014, I began as an associate at Diversity Law Group.

3. I have handled a number of wage and hour matters including class actions and multiple-plaintiff actions. I have been named as Class Counsel in a number of class actions that have been granted certification or preliminary or final approval by the Superior Courts of Los Angeles County, Orange County, Alameda County, and Monterey County, the United States District Court for the Central District of California, and the United States District Court for the Northern District of California. These cases include, but are not limited to: *Naranjo v. Bank of America*, Northern District of California Case No. 5:14-cv-02748-LHK, *Chavez v. Converse, Inc.*, Northern District of California Case No. 15-cv-03746-NC, *Rodriguez v. Nike Retail Services, Inc.*, Northern District of California Case No. 5:14-cv-01508-BLF, *Figuerola v. Super King Market*, Los Angeles Superior Court Case No. BC538372, *Diller v. Under Armour Retail, Inc.*, Santa Clara County Superior Court Case No. 114-CV-265729, *Dall v. Post Alarm Systems*, Los Angeles County Superior Court Case No. BC598528, *Lopez v. Imperial Body Shop, Inc.*, Orange County Superior Court Case No. Case No. 30-2015-00816193-CU-OE-CXC, *Obiols v. Lockheed Martin Corporation*, Santa Clara County Superior Court Case No. 17CV314178; *Sanchez v. American Para Professional Systems, Inc.*, Santa Clara County Superior Court Case No. 17CV306751, *Mankin v. Taste Catering*, San Mateo Superior Court Case No. 17-CIV-03497

1 and *Hughes v. Lincare, Inc., et al.*, Monterey Superior Court Case No. M124764.

2 4. Each side has apprised the other of their respective factual contentions, legal
3 theories and defenses, resulting in extensive arms' length negotiations taking place among the
4 Parties, including one full day of mediation and a settlement conference before the Honorable
5 Nathanael M. Cousins. Based on their own independent investigation and evaluation, the Parties
6 and their respective counsel are of the opinion that the Settlement for the consideration and on
7 the terms set forth in the Class Action Settlement Agreement are fair, reasonable, and adequate
8 and the settlement is in the best interests of the Settlement Class and Defendant in light of all
9 known circumstances and the expenses and risks inherent in litigation.

10 5. Plaintiff's counsel conducted extensive investigation and discovery, including
11 formal written discovery; contacting and interviewing then-putative class members; taking and
12 defending numerous depositions, including that of Plaintiff, Defendant's FRCP 30(b)(6)
13 Corporate Representatives, over 40 class members, and Plaintiff's expert; subpoenaing and
14 reviewing relevant records from third parties; exchanging class time and payroll data and
15 documents; and conducting expert discovery.

16 6. Plaintiff also believes in the fairness of the settlement that is based on factoring in
17 the uncertainty and risks to Plaintiff involved in not prevailing on his certified class claims at
18 trial and the possibility of appeals.

19 7. Plaintiff and Plaintiff's counsel are adequate representatives in that they have no
20 conflicts with the class and will adequately represent the class.

21 8. Plaintiff's counsel does not have any relationship with Legal Aid at Work or with
22 the Ali Forney Center.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25 Executed on this 6th day of March, 2020, at Los Angeles, California.

26
27 /s/ Nicholas Rosenthal
Nicholas Rosenthal